



WHEREFORE, Defendants Kerry Inc. and Kerry Group plc, respectfully request that this Court grant these Motions for Summary Judgment and enter judgment in their favor and dismiss this action with prejudice.

Dated: February 15, 2013

Respectfully submitted,

s/ Mark A. Willard

Mark A. Willard

Audrey K. Kwak

Eckert Seamans Cherin & Mellott, LLC

U.S. Steel Tower

600 Grant Street, 44<sup>th</sup> Floor

Pittsburgh, PA 15219

Telephone: (412) 566-6000

Facsimile: (412) 566-6099

Michael R. Feagley

Emily M. Emerson

Arí Z. Cohn

Mayer Brown LLP

71 South Wacker Drive

Chicago, IL 60606

Telephone: (312) 701-7826

Facsimile: (312) 701-7711

*Attorneys for Kerry Inc. and the Kerry  
Group plc*

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of Defendant Kerry Inc. and the Kerry Group plc's Motions for Summary Judgment and Concise Statement of Undisputed Facts were served upon the following persons via operation of the Court's CM/ECF System this 15th day of February, 2013:

Jason Levin, Esq.  
Storch Amini & Munves PC  
2 Grand Central Tower  
140 East 45th Street  
25th Floor  
New York, NY 10017

s/ Mark A. Willard